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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/376,595	08/18/99	HUANG	T TIPT0002

J C PATENTS INCORPORATED  
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MMC2/0607

EXAMINER

SEYRAFI, S

ART UNIT PAPER NUMBER

2873

DATE MAILED: 06/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/376,595**

Applicant(s)

**Huang et al.**

Examiner

**Saeed Seyrafi**

Group Art Unit

**2873**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-4 \_\_\_\_\_ is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4 \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2873

***Priority***

1. Receipt is acknowledged of paper submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

2. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(1). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
3. The disclosure is objected to because of the following informalities: Applicant cooperation is appreciated to correct the numerous error in specification and claims due to a translation into English from a foreign document which contains grammatical and idiomatic errors.

In brief description of the drawing the term " chart or schematic diagram" is not a proper term since there is no chart or schematic diagram has cited in drawings, and numerals (1), (2) and (3) in description of figs 5, 6 and 7 should be deleted.

Appropriate correction is required.

***Drawings***

4. The drawings are objected to because in 10 th line of page 4 "binding sleeve 32" is shown by reference number 31 in figure 2. Correction is required.

***Claim Objections***

Art Unit: 2873

5. Claim 1 is objected to because of the following informalities: Because each claim begins with capital letter and ends with a period. Periods may not used elsewhere in the claims except for abbreviation (M. P. E. P. 608.01m) . Appropriate correction is required.

Claim are examined by examiner as best to understood.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 a phrase “the specific features” renders the claim indefinite because more than one vertical buttoning hole does not specifically point out number of the holes, “a buttoning seat stretches from a proper part” renders the claim indefinite because it is not clear what part of second head belt is a proper part.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2873

9. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's prior art in further view of Hopkins (5431365).

Regarding claim 1, applicant's prior art discloses a head belt of head magnifying glass, where first belt and a second head belt are set up at the backward ends of the tow sides of the fixer of head magnifying glass (applicant prior art, fig. 1, ref. # 10), applicant's prior art discloses the claim invention except the belt having more than buttoning hole, a vacancy between the buttoning seat and the second head belt, a hole is made at inner end of buttoning seat, a movable plate is pivoted at the middle part, a clamping key is set up at the end of movable plate. Within the same field of endeavor, Hopkins discloses the belt having more than buttoning hole (fig. 1, ref. 32), a vacancy between the buttoning seat and the second head belt (fig. 4, ref. # 15), a hole is made at inner end of buttoning seat (fig. 3, ref.# 6), a movable plate is pivoted at the middle part (fig. 5 ref. # 160), a clamping key is set up at the end of movable plate (fig. 3, ref. \$ 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a head magnifying glass of applicant's prior art with securing means of Hopkins for the purpose of providing a fastening belt for holding a head magnifying glass that can be quickly tightened or loosened by a wearer.

Regarding claim 3, Hopkins discloses a pivoted axle is set up on each side of the movable plate near its mid part (fig. 5, ref # 16).

Regarding claim 4, applicant's prior art discloses a head belt of magnifying glass are pivoted at the end of both sides of the fixer (fig. 1, next to ref.# 30).

Art Unit: 2873

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's prior art and Hopkins as applied to claim 1 above, and further in view of Ronzani (5844656).

Regarding claim 2, a combination of Hopkins and applicant's prior art disclose the claim invention except the second belt having a binding sleeve. Within the same field of endeavor, Ronzani discloses a binding sleeve (fig. 2, ref.# 13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a head magnifying glass of a combination of Hopkins and applicant's prior art with binding sleeve of Ronzani for the purpose of providing a secured fitted place for the extra length of first belt.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Feng (5467508) is cited for disclosing a tightening-up belt.

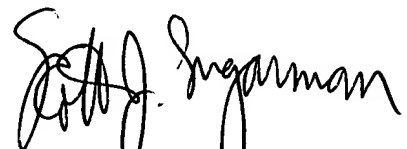
Any inquiry concerning this communication or earlier communication from the examiner should be directed to Saeed Seyrafi whose telephone number is (703) 306-5584. The examiner can normally be reached on Monday- Friday from approximately 7:00 a.m. to 5:30 p.m.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. The Group facsimile number is (703) 308-7724.



Saeed Seyrafi  
Patent examiner

May 30 2000



Scott J. Sugarman  
Primary Examiner